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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,968	10/09/2003	Burton L. Hart	27726/94926	1844

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EXAMINER

ALEXANDER, REGINALD

ART UNIT PAPER NUMBER

1761

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/683,968

Applicant(s)

HART, BURTON L.

Examiner

Reginald L. Alexander

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33, 38 and 39 is/are rejected.
- 7) ☒ Claim(s) 34-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 25, 27-30, 33 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Lopera et al.

There is disclosed in Lopera a hot water dispensing apparatus for use with a beverage maker, the apparatus comprising: a housing 32 being selectively removably attached (see screws) to a beverage maker 4; at least one controllable valve 40 carried on the housing; a water delivery line 34, 38 associated with the housing and attachable to a source of heated water 6 provided in the beverage maker; an aperture (open back side of the housing) for passing the delivery line to the beverage maker; and a grommet (seal) within an opening in the beverage maker for protecting the delivery line.

Claims 18-21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Webster et al.

There is disclosed in Webster a hot water dispensing apparatus for use with a beverage maker having a source of heated water, the hot water dispensing apparatus comprising: a housing (see figures 1-3) being removably attached to the beverage maker; a controllable valve 4 carried on the housing; and a water delivery line 48 associated with the housing, beverage maker and valve to dispense water from the

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maker through the valve. The valve (see figure 3) being removable from the housing by way of a rotatable connection. The housing is inherently removable from the beverage maker (see figure 2) by way of some type of connecting means.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5-13, 16, 17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapera et al. in view of Webster et al.

Webster, as discussed above, discloses the use of a valve which is movably attached to a housing aperture for adjustment thereon.

It would have been obvious to one skilled in the art to substitute the valve of Lapera with that disclosed in Webster, in order to provide an alternative valving arrangement.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 5 above, and further in view of Pandolfi.

Pandolfi discloses the use of fasteners (bolts) to connect a hot water dispensing housing to a beverage maker. It would have been obvious to one skilled in the art to connect the housing of Lapera, as modified by Webster, with fasteners as disclosed in Pandolfi, in order to provide a secure fit thereto.

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In regards to the use of brackets, such can be considered to be the equivalent of a fastener.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webster et al. in view of Lopera et al.

Lopera, as discussed above, discloses the use of a grommet (seal) to protect a water delivery tube.

It would have been obvious to one skilled in the art to provide the device of Webster with a grommet (seal) as taught by Lopera, in order to protect the water delivery tube from damage.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webster et al. in view of Pandolfi.

Both Webster and Pandolfi are discussed above.

It would have been obvious to one skilled in the art to connect the housing of Webster with fasteners as disclosed in Pandolfi, in order to provide a secure fit thereto.

Claims 31, 32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopera et al. in view of Pandolfi.

Both Lopera and Pandolfi are discussed above.

It would have been obvious to one skilled in the art to connect the housing of Lopera with fasteners as disclosed in Pandolfi, in order to provide a secure fit thereto.

In regards to the use of brackets, such can be considered to be the equivalent of a fastener.

Allowable Subject Matter

Claims 34-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments with respect to claims 1-17 and 25-39 have been considered but are moot in view of the new ground(s) of rejection.

In regard to claim 18 applicant has argued that the housing is not "selectively" removable but has not provided an argument for the housing being removable in some form. Thus, the rejection of claim 18 remains as in the previous office action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rla
20 October 2005


Reginald L. Alexander
Primary Examiner
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